

Harassment Prevention

Stacy Householder



*This presentation does not constitute legal advice. Questions on legal issues related to the content of this presentation should be directed to appropriate legal counsel.

Why did you
run?



Why do you
work for the
legislature?



Respectful Legislature

A respectful legislature is one where all legislators, legislative staff, constituents and others involved with legislative business are treated **fairly**, **difference** is acknowledged and valued, **communication** is open and civil, conflict is addressed early and there is a culture of **cooperation**.



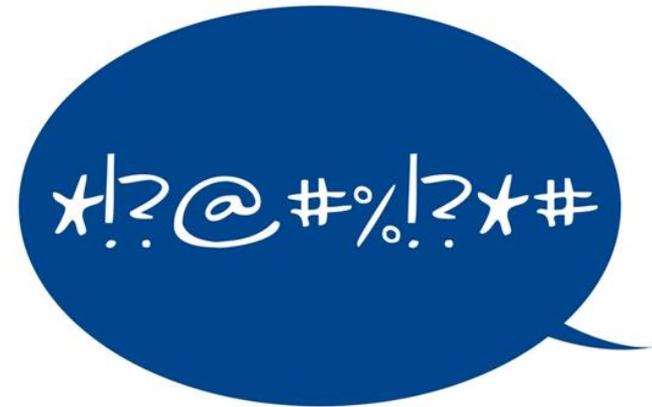
NATIONAL CONFERENCE OF STATE LEGISLATURES

The Forum For America's Ideas



How have you created a respectful legislature?

Derailers



Who is covered and protected under the policy?

COVERED:

- Legislators
- General Assembly Staff

PROTECTED:

- All legislators
- All staff
- Pages/interns
- Public (lobbyists, advocates, press, people who enter the capitol)

Links to the policies

House Policy:

- House Sexual Harassment Prevention Panel Committee Page
- 2021-2022 Session
- Additional Information: [House Sexual Harassment Prevention Panel – Final House Policy](#) and [House Sexual Harassment Prevention Panel – Final Rules of Procedure](#)

Senate Policy

- Senate Sexual Harassment Panel Committee Page
- 2021-2022 Session
- Additional Information: [Policy for the Prevention of Sexual Harassment](#)

Harassment

What is Harassment?

- Form of discrimination
- **Unwelcome conduct** based on protected characteristic.

Definition of Sexual Harassment

- What is Sexual Harassment?
- A form of discrimination based on sex, sexual orientation, or gender identity. Sexual harassment in the workplace is illegal and all employers have an obligation to ensure a workplace free of sexual harassment.
- **Unwelcome** sexual advances, requests for sexual favors, and other conduct of a sexual nature when:
 - submission to the conduct is made either explicitly or implicitly a term of condition of employment;
 - Submission to or rejection of the conduct by an individual is used as a component of the basis for employment decisions affecting the individual; or
 - The conduct has the purpose or effect of unreasonably interfering with an individual's work or of creating an intimidating, hostile, or offensive work environment.

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.”

Intent vs. Impact

Welcomeness is determined by the recipient of the behavior and other persons in the workplace, not by the person engaging in the behavior



Segal's 4 Categories for Harassment

- Category 1: Uncivil Behavior
- Category 2: Harassing Behavior
- Category 3: Unlawful / quid pro quo
- Category 4: Criminal Behavior

Scenarios

Pull out your discussion guide and
work through scenarios

Reporting Process (House)

These are all options, and a report can be made to any:

Contact the Office of
Legislative Human
Resources (staff,
legislators)

Identify objectionable
conduct to the person
engaged in the conduct

Contact the appropriate
panel (leg, staff)

Contact a supervisor (staff)

Other resources: EEOC,
Vermont Human Rights
Commission, Vermont
Attorney General, Vermont
State Ethics Commission

Reporting Process (Senate)

These are all options, and a report can be made to any:

Identify objectionable
conduct to the individual
engaging in the conduct.

Informally contact a
member of the
appropriate panel

File a written complaint
with the appropriate panel

Other resources: EEOC,
Vermont Human Rights
Commission, Vermont
Attorney General,
Vermont State Ethics
Commission

What is NOT harassment or disrespect?



A difference of opinion



Normal disagreements on policy



Following up on poor performance



Legitimate feedback



Enforcing policies/rules (as long as it is done equally)

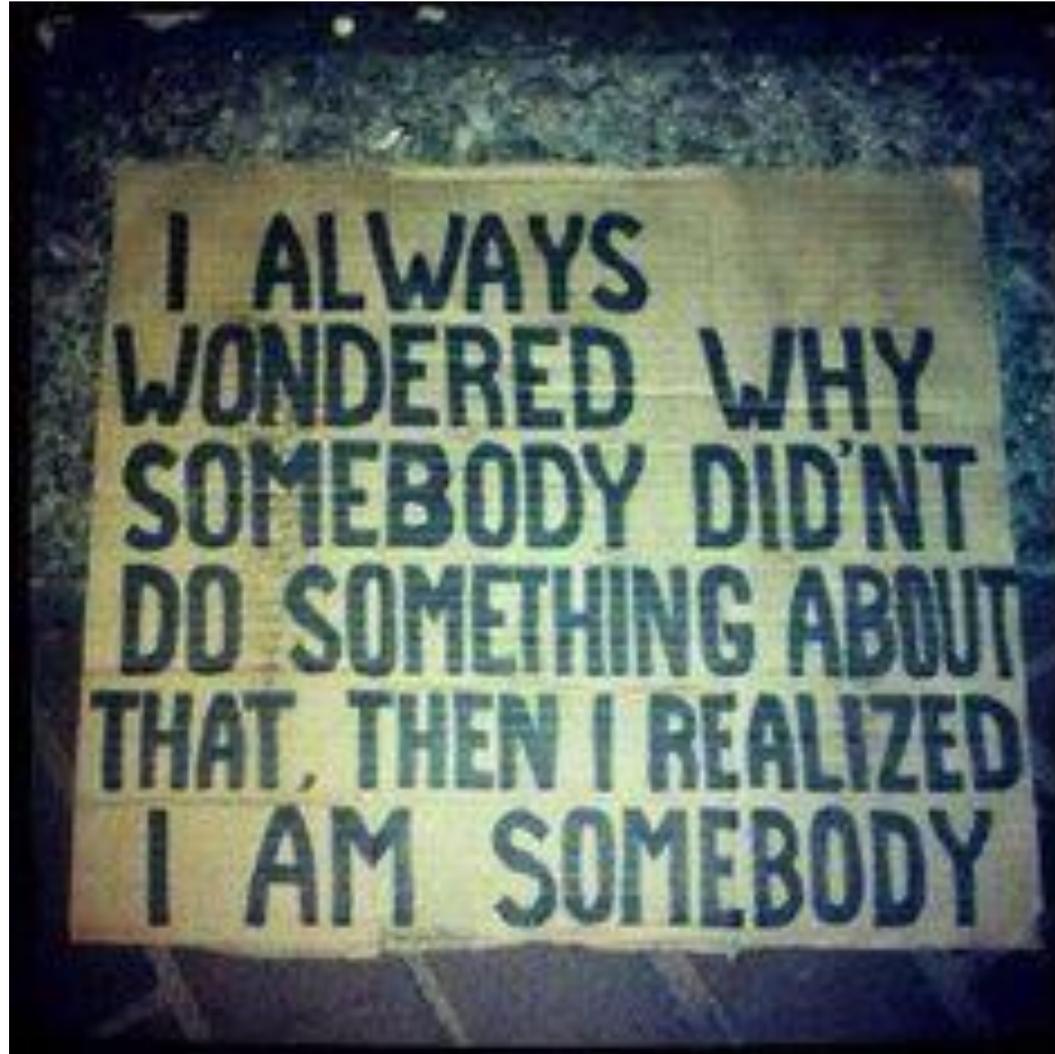
Risk Factors

Power Disparity

Social Events

Young Staff

Bystander Intervention



Bystanders:

Why don't people help more often?

It's not always easy to step in, even if you know it's the right thing to do. Some common reasons bystanders remain on the sidelines include:

- "I don't know what to do or what to say."
- "I don't want to cause a scene."
- "It's not my business."
- "I don't want my friend to be mad at me."
- "I'm sure someone else will step in."
- "That person is my superior/I work for them."

It's okay to have these thoughts, but it's important to realize that your actions can have a big impact. In many situations, bystanders have the opportunity to prevent crimes

Bystander Scenario

A long-serving member is from a bygone era. He calls each woman “sweetie,” tells inappropriate jokes and gives a peck to each woman he meets in public. Sometimes women are clearly uncomfortable with this. “That’s just the Senator,” some say, “Don’t worry about him.”

- What would you do if you are a bystander?

Scenario Debrief

- *Pervasive*
- *Gender divide*
- *Know your audience, welcome vs. unwelcome*
- *Last line is the worst – no bystander intervention*



Retaliation

Workplace retaliation is when a person takes negative action:

- against another individual who files or supports a complaint about sexual harassment OR
- against an individual for cooperating with an investigation of a complaint.

Retaliation is not tolerated.

Scenario

A male legislator pursued a relationship with a female lobbyist, who rejected multiple advances. Now, other legislators are refusing to meet with her, she is excluded from meetings that pertain to her industry and had her testimony cancelled at a critical committee meeting, even when other industry members were allowed to testify.

Why is this retaliation?

It's not just about compliance...

Far reaching consequences for the legislature:

- For those harassed: stress, emotional/physical issues, health costs
- For those who are harassers: discipline, lawsuits/legal, missed opportunities
- For legislatures with harassment reputation: low employee morale, high turnover, negative publicity, legal costs.

Learn and
Commit



EMPOWERMENT AND COMMITMENT

Harassment Prevention

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